

## **Press Release**National Labor Relations Board

January 8, 2010

## **Contact:**

Office of Public Affairs 202-273-1991 publicinfo@nlrb.gov www.nlrb.gov

## NLRB Judge finds Michigan employer must reinstate entire union workforce after illegal firings

WASHINGTON--A western Michigan auto parts manufacturer illegally fired 148 employees because of their protected union activity and must rehire them with back pay, an Administrative Law Judge ruled this week.

The employer, Douglas Autotech Corporation, fired the entire unionized workforce of its plant in Bronson, Michigan in August 2008, claiming the employees lost the protection of the National Labor Relations Act because of a brief strike called at the plant three months earlier. United Auto Workers Local 822, which represents the workers, called the strike after protracted contract negotiations, but quickly realized that the strike was not lawful because certain timely notice was not given under Section 8(d)(3) of the Act. The union made an unconditional offer to return to work on the third day of the strike.

The case turns on what happened next. Rather than accept the return-to-work offer, the employer locked out the workers and resumed negotiations with the union. Then in August, the employer changed course and informed all union-represented employees – including those who did not participate in the strike – that they were terminated.

The strongly-worded ALJ <u>decision</u> issued January 5<sup>th</sup> found that the employer lost its right to fire the workers for the illegal strike when managers responded to their return-to-work offer with mixed signals – a lockout and continued bargaining. "By belatedly choosing to terminate the entire bargaining unit, the Employer chose what can only be described as the labor relations equivalent of a nuclear option—a flagrantly egregious and unlawful course of conduct," wrote Judge Paul Buxbaum. Under the Board's rules, any party may file exceptions to the judge's decision by February 2, 2010, absent an extension.

The century-old company, which produces parts for automobiles, trucks, and other heavy industrial applications, is owned by an international concern, Fuji Kiko Company, Ltd.

The National Labor Relations Board is an independent federal agency vested with the power to safeguard employees' rights to organize and to determine whether to have unions as their bargaining representative. The agency also acts to prevent and remedy unfair labor practices committed by private sector employers and unions.